

In more detail, Olstowski discloses that a resilient graphite structure is prepared by admixing vermicular graphite with an organic liquid, and compressing the thus-treated vermicular graphite, as seen from Olstowski's claims. Olstowski also discloses an expanded graphite as vermicular graphite (column 1, lines 48-55), phosphorous-containing compounds such as an organophosphate and phosphine as an organic liquid (column 1, last line, and column 2, lines 1-2). That is to say, Olstowski discloses that resilient graphite structure is prepared by admixing the expanded graphite with phosphate and compressing the thus-treated expanded graphite.

Greinke discloses a thermal management system with a thermal interface which has an anisotropic flexible graphite sheet article containing oil, as seen from Greinke's claims. Greinke also discloses that the flexible graphite sheet with thermal interface is obtained by compressing graphite particles of vermiform which are obtained by treating intercalated graphite at a high temperature, the intercalated graphite being obtained by treating natural graphite flake with the intercalant (column 5, lines 1-17). Greinke further discloses using a mixture of a strong oxidizing agent and a strong organic acid such as trifluoroacetic acid as the intercalant (column 6, lines 5-7).

It is illogical to combine the disclosures of Greinke with the disclosures of Olstowski. Therefore, claim 1 is not obvious over Greinke in view of Olstowski.

The heat-resistant expanded graphite sheet according to the additional claim 8 includes an organic phosphorus compound selected from an organic phosphonic acid and an ester thereof, an organic phosphinic acid and an ester thereof, a phosphorous acid ester, or a hypophosphorous acid ester. Therefore, claim 8 is neither obvious over Greinke in view of Olstowski.

Withdrawal of the Section 103 rejection is requested because the claimed invention would not have been obvious to the ordinarily skilled artisan at the time Applicants made their invention.

Response to Double Patenting Provisional Rejection

Claims 1-7 stand provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 17-27 of co-pending application 11/822,484. A check of public PAIR indicates that it has not yet issued. A response to this provisional

rejection will be held in abeyance until such time as either this application or the referenced application contains allowable claims.

In item 3 of the Official Action claims 1-7 are provisionally rejected on the basis of non-statutory obviousness-type double patenting as being unpatentable over claims 1-9, 13 and 15-16 of co-pending application Serial No. 10/530,717. This application is still pending. A full response to this provisional rejection will be held in abeyance until such time as either this application or the referenced application contains allowable claims.

Having responded to all of the pending rejections contained in the Office Action, Applicants submit that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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